(1)S.B.Criminal Revision Petition No.977/2007
(Kishore Kumar Singharia v. State of Rajasthan & Ors.)

(2)S.B.Criminal Revision Petition No.1310/2007
(State of Rajasthan v. Sohanlal & Anr.)

Date of Order :: 5th December, 2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. Mahesh Thanvi, for the petitioner.
Mr. O.P.Rathi, Public Prosecutor.
Mr. Karan Singh Rathore, for the respondents.
(In SBCr.Rev.No.977/2007)

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The order dated 20.8.2007 passed by learned Additional Sessions Judge (Fast Track) No.1, Pali, discharging respondents Sohanlal and his son Narendra Kumar from the charges relating to offences punishable under Sections 307 and 307/34 IPC and framing charge for the offences punishable only under Sections 341 and 323/34 IPC is under examination in these petitions preferred under Section 397 read with 401 Cr.P.C.

The contention of counsel for the petitioner is that despite availability of adequate material to presume prima facie commission of offence under Section 307 and 307/34 IPC the court below has discharged the accused persons by appreciating the evidence as if it was deciding the case after completing trial. Much emphasis is given to the injury

said to be received by injured Kishore Kumar on his head.

I have examined the order impugned and also the record available.

It is true that the order passed by the learned Additional Sessions Judge is running in seven pages but narration of facts in detail does not mean appreciation of evidence on merits. Learned Sessions Judge in quite length referred the facts of the case and also the fact relating to injury said to be received by Shri Kishore Kumar.

Relevant to note here that at first instance a head injury was shown and for adequate opinion a recommendation was made to constitute medical board. The injured said to have refused to appear before the medical board. Subsequent thereto while considering an application preferred by respondent Narendra under Section 439 Cr.P.C. this Court directed the Principal, Medical College, Jodhpur to constitute a medical board to examine injured Narendra Kumar and also to consider the earlier X-Ray plates with regard to seriousness of the injuries. In pursuant to the order dated 6.1.2006 the medical board examined injured Kishore Kumar on 16.1.2006 and opined that “no evidence of bony injury is seen”. Learned trial court in the order impugned has narrated the facts referred above in detail and

such mention of details does not amount to appreciation of the evidence.

On examination of record, I found no error in the order impugned discharging respondents Sohanlal and Narendra from the charges of Sections 307 and 307/34 IPC.

Consequently, these revision petitions are accordingly dismissed.

(GOVIND MATHUR),J.

Kkm/ps.